

FIRE AND POLICE DEPARTMENTS

Chapter 16

FIRE AND POLICE DEPARTMENTS¹

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ARTICLE I. IN GENERAL

Sec. 16-1. Qualifications of employees generally.

Any person employed as a member of the police or fire department must either be registered to vote in the State of Tennessee or eligible to vote in the State of Tennessee except that those employees currently employed and living outside of the State of Tennessee shall be exempted from this provision. He must be of sound health and pass a physical examination designated by the head of the department(s) of fire and police.
(Code 1986, § 16-1; Ord. No. 9654, § 92, 1-6-92)

Sec. 16-2. Age of employees.

The city shall not employ as a police officer or firefighter of any rank any person who is less than twenty-one (21) years of age or who has reached his or her fortieth (40th) birthday, but such maximum age limitation shall not apply to:

- (1) The reinstatement or reemployment of any police officer or firefighter who is now or hereafter employed in such capacity; provided, however, that the time that such person seeking reinstatement and/or reemployment has been away from the Police Department or Fire Department shall not have exceeded the time that

¹ **Charter references--**Police and firemen, Title 13; authority to provide for police and fire department, § 2.1(41).

Cross references--Administration generally, Ch. 2; physical examinations required of firemen and policemen, § 2-172.

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such person was previously employed by such department; or

- (2) The employment of any police officer who is now or hereafter employed in such capacity by another police agency or the military; provided, however, that the time that such person seeking reinstatement and/or reemployment as a police officer has been away from the Police Department, agency or military shall not have exceeded the time that such person was previously employed by such organization; or
- (3) The transfer of any person to the Police Department from the Fire Department or the transfer of any person to the Fire Department from the Police Department, provided, however, that any such person being so transferred had been previously a member of the Firemen's and Policemen's Insurance and Pension Fund.

(Code 1986, §16-2; Ord. No. 10841, §1, 04-13-99; Ord. No. 10848, §1, 05-11-99; Ord. No. 11524, §1, 03-02-04)

Sec. 16-3. Person promoted to chief entitled to return to previous rank upon removal for reasons other than cause.

Whenever a tenured fireman or tenured policeman is appointed to the office of fire chief or chief of police and is thereafter removed from the office for reasons other than cause, such person shall be entitled to return to the same rank held at the time of appointment to the office of chief.

(Code 1986, § 16-3)

Sec. 16-4. Physical examination of applicants for positions.

The city physician shall make a physical examination of all applicants for positions on the police force and report the result of the examination to the department head of the fire department. At the request of the chief of the fire department, he shall make a similar examination of applicants for positions in the fire department, and report the result of such examination to the department head of the fire department.

(Code 1986, § 16-4; Ord. No. 9654, § 93, 1-6-92)

Sec. 16-5. Treatment for injuries on duty.

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The city physician, when requested by any policeman or employee of the fire department injured in the discharge of his duties as such policeman or employee, shall attend upon him as physician and surgeon.

(Code 1986, § 16-5)

Sec. 16-6. Medical expenses.

(a) The city may pay the hospital and physician's and surgeon's bills when a member of the police department or fire department is injured in line of duty; provided that, such payment shall not be made when such member has been or is to be reimbursed otherwise on account of such injuries; and provided, further, that, such injured members shall be removed to Erlanger Hospital for treatment as soon as their condition permits.

(b) If such injuries arise out of an accident caused by or contributed to by the negligence of a third party, no payment of salary, medical expenses or other related expenses shall be made by the city until such fireman or policeman shall execute a subrogation and assignment agreement, to be approved by the city attorney as to form, assigning to the city any and all claims or causes of action which the fireman or policeman may have to recover against such third person(s) to the extent of any or all such payment(s) as are made by the city.

(Code 1986, § 16-6; Ord. No. 9654, § 94, 1-6-92)

Sec. 16-7. Hospitalization insurance.

The mayor may pay out of the budget of his department a hospitalization insurance premium for each member of the fire and police departments.

(Code 1986, § 16-7; Ord. No. 9654, § 95; 1-6-92)

Sec. 16-8. City contribution rate for firemen's and policemen's insurance and pension fund; rate conditioned on establishment of employee rate.

(a) The city contribution rate for the firemen's and policemen's insurance and pension fund shall be set at twelve (12) percent of the salaries of the covered participants.

(b) The city contribution rate established in this section shall be conditioned upon the establishment by the board of directors of the firemen's and policemen's insurance and pension fund of an employee's contribution rate of six (6) percent of the salaries of the covered participants.

(Code 1986, § 16-8)

Sec. 16-8.1. Increase of pension benefits.

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Ordinance No. 8688, section 1(10), now codified as section 13.75 of the Chattanooga City Charter, provides that the city council of the City of Chattanooga, in its discretion, after a recommendation has been received by the board of directors of the firemen's and policemen's insurance and pension fund, may, by ordinance passed on three (3) separate readings, increase such pension benefits in this section or any section of the Private Acts of 1949, Chapter 165, as amended; therefore, the pension benefits provided by Ordinance No. 8688 are hereby increased by providing that in the event the maximum pension benefits is increased in the calendar year the employee has reached age fifty-five (55) and completed thirty (30) years of service, the employee's maximum pension benefit shall be adjusted to reflect any such increase, provided that the aforesaid increase shall be paid retroactively and shall be applied to all members of said fund.

(Code 1986, § 16-8.1)

Secs. 16-9 -- 16-10. Reserved.

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Sec. 16-11. Maintenance of electric wiring and apparatus of city.

The city electrician and assistants shall maintain the electrical wiring and apparatus belonging to the city, and in performing such duties shall be under the jurisdiction of the mayor. (Code 1986, § 16-11; Ord. No. 9654, § 95, 1-6-92)

Sec. 16-12. Award of badge and service revolver upon retirement.

Upon the retirement from service of any police officer or detective employed in the department of fire and police, the mayor may award such officer or detective his police badge and/or police revolver; provided, however that said officer or detective shall not act or use such revolver in any manner inconsistent with any law, nor have any implied or express authority to act on or in behalf of any department of the city in any capacity. (Code 1986, § 16-12; Ord. No. 9654, § 95, 1-6-92)

Sec. 16-13. Retirement age for firefighters.²

All firefighters shall retire on or before their sixty-fifth (65th) birthday. Any firefighter currently employed who is age sixty-five (65) or older shall be retired on or before July 2, 1998. (Ord. No. 10673, § 1, 3-10-98)

Sec. 16-14. Award of firefighter helmet to firefighters upon disability or retirement.

Upon the retirement from service of any firefighter with at least twenty-five (25) years of active service with the Chattanooga Fire Department and/or retirement due to disability from injury received during active service, the Fire Chief may award such firefighter his or her helmet last used in active service; provided, however, that such firefighter shall not act or use such equipment in any manner inconsistent with any law, nor have any implied or express authority to act on or in behalf of any department of the City in any capacity following retirement. (Ord. No. 11068, § 1, 9-19-00)

Secs. 16-15 – 16-25. Reserved.

² **Editor's note** – This section, created by Ordinance No. 10673, adopted March 10, 1998, became operative, as opposed to effective, as of July 1, 1999.

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ARTICLE II. FIRE DEPARTMENT³

Sec. 16-26. False alarms.

It shall be unlawful for any person in the city willfully to give or make a false alarm of fire, either by telephone, alarm box or otherwise. Any person who detects a person committing a violation of this section shall report the same to the chief of the fire department or chief of police, and shall be entitled, upon conviction of the offender, to receive the fine imposed and collected as his reward.

(Code 1986, § 16-26)

Sec. 16-27. Tampering with fireplug; unauthorized use.

It shall be unlawful for any unauthorized person to open or shut or in any way to damage or interfere with any fireplug in the city, to draw any water therefrom or cause any water to flow therefrom for any purpose other than the extinguishment of fires. It shall be unlawful for any unauthorized person to do any of the acts prohibited herein for any unauthorized purpose.

(Code 1986, § 16-27)

Sec. 16-28. Obstacles around fire hydrants.

No person shall place or keep any fence, growth, trash or other material near any fire hydrant that would prevent such hydrant from being immediately discernible or in any other manner hinder the Fire Department from gaining immediate access to a fire hydrant.

(Ord. No. 11089, § 1, 11-14-00)

Secs. 16-29 – 16-40. Reserved.

³ **Cross references**--General duty of persons using airport to guard against fire, § 8-43; fire prevention and protection generally, Ch. 17; following and parking near fire apparatus restricted, § 24-14; vehicles crossing fire hoses restricted, § 24-15.

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ARTICLE III. POLICE DEPARTMENT⁴

Sec. 16-41. Bond, oath of chief.

Before entering upon the duties of his office, the chief of police shall give bond with security in the sum of five thousand dollars (\$5,000.00) for the faithful discharge of such duties, conditioned as are other officers' bonds, and shall take the oath of office.
(Code 1986, § 16-41)

Sec. 16-42. Bonds, oaths of members of department.

The officers and subordinates of the police department shall give bond with good and sufficient security, in such amounts as shall be prescribed by the city council, conditioned upon the faithful performance of their duties. They shall take the oath of office before entering upon their respective duties.
(Code 1986, § 16-42; Ord. No. 9654, § 2, 1-6-92)

Sec. 16-43. Departmental rules and regulations.

The government and discipline of the police department shall be such as the mayor may prescribe from time to time by rules and regulations. Such rules and regulations shall be ratified and adopted by the city council.
(Code 1986, § 16-43; Ord. No. 9654, §§ 2 and 95, 1-6-92)

Cross reference--Personnel rules and regulations, § 2-136 et seq.

Sec. 16-44. Headquarters.

A station house shall be provided for the use of the police department, which shall be known as police headquarters.
(Code 1986, § 16-44)

⁴ **Cross references**--For forfeiture of unclaimed personal property in possession of police department, see § 2-344; authority of police to inspect records of secondhand dealers and junk dealers, § 11-220; daily report of pawnbrokers to police, § 11-242; traffic division, § 24-111 et seq.; taxicab inspectors to assist police, § 35-20.

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Sec. 16-45. Arrest, commitment of offenders.

The police shall arrest all persons found by them violating any provision of this Code or other city ordinance or law of the state in the city. Any person arrested shall be immediately committed to police headquarters by the officer making the arrest.

(Code 1986, § 16-45)

Cross reference-Offenses and miscellaneous provisions, Ch. 25.

Sec. 16-46. Resisting arrest.

It shall be unlawful for any person to resist any officer in making an arrest or in detaining any person after arrest or trial, whether the offender is the person whom the officer is seeking to arrest or detain or another person.

(Code 1986, § 16-46)

Sec. 16-47. Telephone calls by arrested persons.

The sergeant in charge at police headquarters shall call for, or permit any person detained therein to call, any person that such detained person may desire.

(Code 1986, § 16-47)

Sec. 16-48. Disposition of property taken from arrested persons.

(a) No policeman shall, under any circumstances, receive or take any money or other property or effects of any kind from any person under arrest or threatened with arrest, except in the presence of the sergeant in charge at police headquarters or his assistants, to whom all money or other property belonging to any arrested person shall be delivered; provided that, it shall be lawful for any policeman to disarm any person attempted to be arrested by him. For money or property so delivered to them, the sergeant or his assistants shall give the person arrested a receipt. The sergeant and his assistants as such shall be responsible and liable for all money or other valuables entrusted to them.

(b) Any policeman or other officer of the city who violates the provisions of this section shall, in addition to any other penalty provided by law, be fined in any sum deemed just and proper by the mayor, or removed from his office in the discretion of the mayor.

(Code 1986, § 16-48; Ord. No. 9654, § 95, 1-6-92)

Sec. 16-49. Officers not to receive witness fees.

No police officer shall be paid witness fees for his attendance as a witness in any court.

(Code 1986, § 16-49)

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Cross reference-City court, Ch. 12.

Sec. 16-50. Reports by physicians.

All physicians shall immediately report to the chief of police all cases of shooting, cutting or other injuries which may constitute a murder or an attempt to murder, which they may be called upon to handle either at the place of the injury or the residence of the injured, or at any hospital, giving in such report the number of the residence and the names of the injured persons.

It shall also be the duty of all physicians to report to the chief of police all patients injured in automobile accidents to whom they may be called for professional services.

(Code 1986, § 16-50)

Cross reference-Ambulance drivers to report injuries constituting a murder or an attempt to murder, § 35-185.

Sec. 16-51. University of Tennessee at Chattanooga police officers.

Upon written request by the chancellor or a vice chancellor of the University of Tennessee at Chattanooga, the mayor may, with the approval of the city council, issue to members of the security forces of such university named in such request commissions as police officers of the city. Such police officers shall furnish the same bond as is required of regular police officers of the city, and which shall be filed with the city finance officer. Such commissions when issued shall bear the endorsement: "University of Tennessee at Chattanooga police officer with all the powers and authority granted to police officers of the City of Chattanooga, Tennessee." The holders of such commissions shall have, possess and exercise every power granted by the statutes of the state or the charter of the city to regular police officers of the city necessary in the performance of their duties, including the right to execute search warrants as provided by law, but such special policemen shall not be employees of the city nor shall they be entitled to any benefits afforded regular police officers of the city.

(Code 1986, § 16-51; Ord. No. 9654, § 96, 1-6-92)

Charter reference-Authority to appoint special policemen, § 13.3.

Sec. 16-52. Tennessee Valley Authority-Public Safety Service.

Upon written request of the supervisor of Tennessee Valley Authority-Public Safety Section at Knoxville, Tennessee, the mayor may, with the approval of the city council, issue to the members of such public safety service named in such request commissions as police officers of the city. Such police officers shall furnish the same bond as is required of regular police officers of the city, which shall be filed with the city finance officer. Such commissions when issued shall bear the enforcement: "Tennessee Valley Authority-Public Safety Officer with all the powers and authority granted to police officers of the City of Chattanooga, Tennessee." The holders of such commissions shall have, possess and exercise every power granted by the statutes of the state or the charter of the city to regular police officers of the city necessary in the

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performance of their duties, including the right to execute search warrants as provided by law, but such special policemen shall not be employees of the city nor shall they be entitled to any benefits afforded regular police officers of the city.

(Code 1986, § 16-52; Ord. No. 9654, § 96, 1-6-92)

Charter reference-Authority to appoint special policemen, § 13.3.

Sec. 16-53. Erlanger Hospital security police.

Upon written request of the supervisor of Erlanger Hospital security police in Chattanooga, Tennessee, the mayor may, with the approval of the city council, issue to the members of the Erlanger Hospital security police named in such request, commissions as police officers of the city. Such police officers shall furnish the same bond as is required of regular police officers of the city, which shall be filed with the city finance officer. Such commissions when issued shall bear the endorsement: "Erlanger Hospital Security Police Officer, with all the powers and authority granted to police officers of the City of Chattanooga, Tennessee." The holders of such commissions shall have, possess and exercise every power granted by the statutes of the state or the charter of the city to regular police officers of the city necessary in the performance of their duties, including the right to execute search warrants as provided by law, but such special policemen shall not be employees of the city nor shall they be entitled to any benefits afforded regular police officers of the city.

(Code 1986, § 16-53; Ord. No. 9654, § 96, 1-6-92)

Charter reference-Authority to appoint special policemen, § 13.3.

Sec. 16-54. Driver education course for drinking drivers; registration fee.

The mayor may establish a driver education course for drinking drivers and shall collect a registration fee of forty dollars (\$40.00) from each participant therein to cover the cost of its administration.

(Code 1986, § 16-54; Ord. No. 9654, § 95, 1-6-92)

Cross reference-Alcoholic beverages, Ch. 5.

Sec. 16-55. Alarm systems; false alarms.

(a) *Definitions.* For purposes of this section, the following words and phrases shall have the meaning given herein:

Alarm system means any mechanical or electrical device, which is designed to signal the occurrence of an illegal entry or other activity or event requiring urgent attention and to which the Department is expected to respond with emergency personnel or equipment. The term shall include automatic and manual hold-up alarm systems, burglar alarm systems, direct-dial telephone

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devices, audible alarms and proprietor alarms.

Department means the Chattanooga Police Department.

False alarm means an alarm signal to which the Department responds with any emergency service personnel or equipment when a situation requiring a response by the Department does not in fact exist, regardless of whether the signal is caused by the inadvertence, negligence or intentional act or omission of an alarm company or alarm user or by a malfunction of the alarm. *False alarm* also means an alarm that emits a siren or other signal that is audible off the premises on which the alarm system is located that indicates an emergency situation or break-in when such emergency situation or break-in has not in fact occurred, regardless of whether the signal is caused by the inadvertence, negligence or intentional act or omission of an alarm company or alarm user or by a malfunction of the alarm. The following shall not be considered false alarms:

- (1) Alarms caused by the testing, repair or malfunction of telephone equipment or lines, provided the owner, user or operator first gives notice to the Communications Division of the Department prior to testing and repairing such equipment or lines;
- (2) Alarms caused by earthquakes, floods, windstorms, thunder or lightning;
- (3) Alarms caused by an attempted illegal entry of which there is visible evidence or which the Department determines to be the result of an intrusion attempt or alarm tampering; and
- (4) Alarms caused by the testing, repair or malfunction of electrical utility equipment or lines.

Location means the property, building, residence or business from which any alarm signal originates.

(b) *Police Department to receive information about person responsible for cutting off alarm systems prior to installation; failure to turn off false alarm.* It shall be unlawful to install, repair or operate an alarm system without first giving written notice to the Regulatory Bureau of the Police Department of the name, address and telephone number of the person who shall be

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responsible for cutting off the alarm system when advised to do so by the Department. It shall likewise be unlawful for the owner or operator of an alarm system not to keep such information current and correct relative to the telephone number and name of the person who is responsible for cutting off the alarm system. It shall be unlawful for the owner or operator of the alarm system not to provide the names and telephone numbers of persons who will be available to cut off the alarm on a twenty-four-hour basis every day of the year. It shall be unlawful for any owner, user or operator of an alarm system to refuse or fail to turn off or cause to be turned off an alarm system which is currently causing a false alarm within thirty (30) minutes after being notified to so do by the Department regardless of whether such owner or operator has given the written notice required by this subsection.

(c) *False alarms unlawful.* It shall be unlawful for the owner, user or operator of an alarm system to allow such alarm system to generate a false alarm from any location within the City. Each false alarm shall be considered a separate violation.

(d) *Exemption.* The provisions of subsection (c) above shall not take effect as to any owner, user or operator of an alarm system for thirty (30) days after completion of a system installation to allow for equipment failure, adjustment, subscriber education and possible environmental problems that cannot be detected prior to installation.

(e) *Penalty for violation.* The penalty for a first violation of the provisions of subsection (c) above may, in the discretion of the judge, be limited to a requirement to complete a False Alarm Reduction Course administered by the Police Department; such course must be completed, in the discretion of the judge, by the owner of the alarm system or the manager of a business location at which a false alarm has occurred. The penalty for a second or subsequent violation of the provisions of subsection (c) above shall be limited to the maximum penalty allowed by state law for such violation, but such limitation shall not apply to a violation of any other provision of this section unless otherwise provided by state law.

(f) *Issuance of citations.* Any officer assigned to the Regulatory Bureau of the Police Department may issue a citation for a violation of this section, provided that such officer shall also subpoena to court any officer or other witness necessary to establish such violation. Notwithstanding the foregoing, no citation for a false alarm may be issued until not less than two warning notices have been given to or served upon the owner or operator of an alarm system or a not less than two warning notices have previously been posted on the property on which such alarm system is located; said notices shall notify the owner or occupant that an officer has responded to a false alarm at the property and that the owner or operator of the alarm system will be subject to a citation for future false alarms.

(Code 1986, § 16-55; Ord. No. 10933, § 1, 11-16-99; Ord. No. 11434, §18, 07-15-03)

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Sec. 16-56. Emergency cash fund for chief of police.

The chief of police is authorized to maintain an emergency cash fund not to exceed one thousand dollars (\$1,000.00) from which police emergency payments and/or purchases may be made. Receipts for such expenditures from such emergency cash fund shall be attached to the warrant voucher replenishing or reimbursing such emergency cash fund. The office of the city finance officer may inspect or audit such fund at any time but at least every six (6) months and a report of his findings shall be made to the mayor and the city attorney.
(Code 1986, § 16-56; Ord. No. 9654, § 97, 1-6-92)

Sec. 16-57. Charges for fingerprints and record checks.

The Chattanooga Police Department is authorized and directed to charge the following fees for the following records and services:

Accident reports	\$ 7.00
Incident reports (except to victim)	7.00
Background checks	5.00
Fingerprinting:	
First Card	9.00
Second and subsequent cards	2.00
Arrest reports	7.00

(Ord. No. 9113, § 1, 1-31-89; Ord. No. 11175, § 28, 9-11-01)

Secs. 16-58 -- 16-70. Reserved.

ARTICLE IV. INTERCEPTION OF POLICE RADIO SIGNALS

Sec. 16-71. Definition.

A "high frequency police radio receiving set" shall be defined as any radio receiving set capable of receiving any message sent out by any police radio station.
(Code 1986, § 16-71)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 16-72. Permit for operation of high frequency receiver required.

It shall be unlawful for any person to equip or operate, inside the city, any motor vehicle with a high frequency police radio receiving set, unless such motor vehicle is being used by the federal, state, city or county government or a peace officer, or unless a permit for the use of the same shall have been granted as provided in this article.

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(Code 1986, § 16-72)

Cross reference-Businesses, trades and occupations, Ch. 11.

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Sec. 16-73. Application for permit.

Any person desiring a permit from the city to install and operate a high frequency police radio receiving set in a motor vehicle inside the city shall file an application with the police chief, in writing, stating the name of the applicant, the license number, motor number, model and make of the motor vehicle in which it is desired to install such set, and shall furnish a photograph of the applicant and his fingerprints. The application shall also state the reason why it is desired to install the set. If the police chief, after an investigation, finds that the application shows a need for the set, that the set will be used for a lawful purpose and that the public interest will be served by the granting of the application, he shall recommend to the mayor the approval of such application.

(Code 1986, § 16-73; Ord. No. 9654, §§ 13 and 98, 1-6-92)

Sec. 16-74. Permit issuance; fee; renewal.

Upon approval by the mayor of an application for a permit under this article, the city treasurer shall issue to such applicant a permit for installation and use of the set, upon payment by the applicant of a license fee of twenty-five dollars (\$25.00) per year. Application must be filed and a new permit secured for each year a high frequency police radio receiving set is used.

(Code 1986, § 16-74; Ord. No. 9654, § 133, 1-6-92)

Sec. 16-75. Permit nontransferable; notice of change in license number of vehicle.

Any permit issued under the provisions of section 16-55 of this Code shall not be transferable to any other person. Any high frequency police radio receiving set authorized to be installed and used by any such permit shall not be placed in any other motor vehicle than the one described in the application for the permit without first obtaining a permit from the police chief for the removal of the set to the other motor vehicle. No fee shall be charged for such removal permit. In the event of a change in license number of any motor vehicle in which a high frequency police radio receiving set has been permitted to be installed under this article, the owner of such vehicle shall notify the police chief of such change within five (5) days after the change is made.

(Code 1986, § 16-75; Ord. No. 9654, § 98, 1-6-92)

Sec. 16-76. Permit revocation.

If any person who has been issued a permit to install and operate a high frequency police radio receiving set violates any of the provisions of this article or uses such set for an unlawful purpose, where the public interest requires, the permit may be revoked upon giving the holder of such permit five (5) days' notice of the time and place to appear before the mayor to show cause why such permit should not be revoked.

(Code 1986, § 16-76; Ord. No. 9654, § 133, 1-6-92)

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Sec. 16-77 -- 16-90. Reserved.

ARTICLE V. PRIVATE SECURITY POLICE

Sec. 16-91. Definitions.

As used in this article, the following definitions shall apply;

Private security police officer shall mean any person, firm, partnership, corporation, or association, who, for any consideration whatsoever, agree to furnish or serve as watchmen, guards or patrolmen to protect persons or property or to prevent theft or other criminal activities; provided, however, this definition shall not apply to regularly sworn police officers of the United States, state, county, or the city; provided, further, for purpose of sections 16-92 through 16-97, inclusive, this definition shall not apply to security officers working solely on the premises of their employer who do not carry any weapon.

Weapon shall mean any type of hand gun, shotgun, pistol, or revolver.
(Code 1986, § 16-91)

Sec. 16-92. Permit--Required.

(a) No person shall engage in the business of operating a private security police agency, or of serving as a private security police officer unless such person has been duly certified and issued a private security police officer permit by the chief of police in accordance with the provisions of this article, and appointed by resolution of the city council as a special policeman.

(b) Such private security police officer permit shall expire two (2) years after its issuance or upon the expiration date of any bond or insurance policy filed with the city finance officer under the provisions of section 16-96, whichever shall come first. Such permits may be renewed upon application, payment of fees and proof of financial responsibility as provided herein.

(Code 1986, § 16-92; Ord. No. 9654, §§ 2 and 8, 1-6-92)

Cross reference--Businesses, trades and occupations, Ch. 11.

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Sec. 16-93. Same--Qualifications.

Private security police officer permits shall be issued only to applicants who meet the following qualifications. If the applicant is a firm, partnership, corporation or association, all members thereof shall be listed upon the application and shall meet the following qualifications:

- (1) Each applicant must be at least twenty-one (21) years of age.
 - (2) Each applicant must be a citizen of the United States.
 - (3) Each applicant must not have been convicted by a final judgment of a court of competent jurisdiction any crime involving moral turpitude.
- (Code 1986, § 16-93)

Sec. 16-94. Training course.

(a) No private security police officer shall use any weapon in the course of his duties without first having satisfactorily passed a training course approved by the chief of police and administered by a certified firearms instructor of the city's police department training division.

(b) Each private security police officer firearms permit holder shall be required to undergo and satisfactorily pass a recertification every two (2) years.

(c) Each person taking the training course provided herein shall pay an initial fee of forty dollars (\$40.00) for the initial one hundred (100) rounds of ammunition and other associated training costs, plus five dollars (\$5.00) for each additional fifty (50) rounds of ammunition, as fee for such training course; such fee shall be paid each time an individual takes the training course.

(Code 1986, § 16-94)

Sec. 16-95. Weapon specification.

No person serving as a private security police officer shall use any weapon during the course of his duties other than a .38 special revolver or a .357 magnum revolver of a United States manufacturer.

(Code 1986, § 16-95)

Sec. 16-96. Bond or insurance policy required; exceptions.

No person serving as a private security police officer shall be permitted to carry a weapon unless he or she proves his or her financial responsibility by filing with the city treasurer a corporate surety bond in favor of the city in an amount not less than fifty thousand dollars

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(\$50,000.00), conditioned upon such private security officer during the period of his commission shall well, truly, and faithfully discharge his duties or in lieu of a bond by filing with the city treasurer a liability insurance policy of the individual or his employer naming the city as an additional insured, providing minimal coverage of fifty thousand dollars (\$50,000.00) for each person injured or property damage from any one accident or occurrence and one hundred thousand dollars (\$100,000.00) for all injuries and property damage resulting from any one (1) accident or occurrence. Such bond or insurance policy shall be in a form satisfactory to the city attorney; provided, however, that, neither a bond nor an insurance policy shall be required for security police officers employed by the city or other federal, state, or local government agency, including the Chattanooga-Hamilton County Auxiliary Police.
(Code 1986, § 16-96)

Sec. 16-97. Powers and employee status.

Subject to the appointment by the city council as a special policeman, the holders of private security police officer permits shall have, possess, and exercise every power granted by the statutes of the state or the charter of the city to regular sworn police officers of the city necessary in the performance of their duties, but such private security police officers shall not be employees of the city nor shall they be entitled to any benefits afforded regular sworn police officers of the city.
(Code 1986, § 16-97; Ord. No. 9654, § 134, 1-6-92)

Sec. 16-98. Wearing of official police uniform restricted.

It shall be unlawful for any unauthorized person to wear any badge, uniform or other insignia or any like or colorable imitation of the officially adopted police uniform of the city, county or the state highway patrol.
(Code 1986, § 16-98)

Sec. 16-99. Private patrol or security guard system uniforms restricted.

(a) Operators and employees of private security police services or guard systems shall wear uniforms of a design that are clearly distinguishable from officially adopted uniforms of the city, county and the state highway patrol.

(b) Operators and employees of private patrol or guard systems wearing uniforms shall be required to wear uniforms which are brown, grey or light blue in color or, in the alternative, to wear pants and skirts of such color with white shirts or blouses.
(Code 1986, § 16-99)

Sec. 16-100. Fees for firearms permit and firearms permit renewals.

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Each private security police officer applying for a firearms permit shall pay an initial processing fee of ten dollars (\$10.00), as fee for processing such firearms permit. Each private security police officer applying for a renewal of a previously issued firearms permit shall pay a fee of five dollars (\$5.00) as fee for processing such renewal.
(Code 1986, § 16-100)

Cross reference-Businesses, trades and occupations, Ch. 11.

Secs. 16-101 – 16-162. Reserved.

ARTICLE VI. PENSION BENEFITS

Sec. 16-163. Purpose.

The purpose of this article is to set forth increases in benefits to the Firemen's and Policemen's Insurance and Pension Fund enacted by ordinance pursuant to the provisions of Section 13.75(d) of Chattanooga City Code, Part I. The numbers of this article will correspond to but will be one hundred (100) higher than the section numbers of the Firemen's and Policemen's Insurance and Pension Fund as codified in Part I of this Code.
(Ord. No. 10642, § 1, 11-18-97)

Secs. 16-164 – 16-173. Reserved.

(Ord. No. 10642, § 1, 11-18-97)

Sec. 16-174. Increased disability benefits from causes not resulting from performance of duties.

Notwithstanding the provisions of Chattanooga City Code, Part I, Section 13.74(a), the following benefits are provided in lieu thereof:

(a) Any member with not less than three (3) years nor more than ten (10) years of active service in the Fire and Police Department who shall become disabled from causes arising outside of the course of his or her employment with the Fire or Police Department shall so long as they remain disabled be paid a monthly sum equal to thirty percent (30%) of the average base salary of such member, but not to exceed the maximum salary in the salary range and step of sergeant in the Police Department classification as set forth in the classification of positions in the Police Department during the three (3) years of the member's service which yield the highest average; plus two percent (2%) of said defined average base salary for each year of active service in the Fire and Police Department over ten (10) years, but not to exceed sixty percent (60%) of the above defined average base salary. Payment under this section shall commence after the member's sick days, annual leave days or personal leave days have been exhausted.

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Any member with less than three (3) years of service, who shall become disabled from causes arising outside of the course of his or her employment with the Fire and Police Department, shall be refunded his or her contributions under the provisions of Section 13.77. In the event of death of any member with less than three (3) years of service, the \$10,000.00 death benefit shall be paid to his or her beneficiary and his or her contributions shall be refunded to his or her estate.

A member will not be eligible for disability benefits nor their spouse eligible for periodic death benefits under this section if disability or death is a result of any of the following:

- (1) Excessive and habitual use by the plan member of drugs, intoxicating liquors and narcotics unless such member is actively and continuously undergoing treatment at an approved clinic or treatment center for drug addicts and alcoholics.
- (2) Injury or disease sustained by the plan member while willfully and illegally participating in acts of violence, riots, civil insurrections, or while committing an unlawful act.
- (3) Injury or disease sustained by the plan member while serving in any Armed Forces or as the result of warfare.
- (4) Injury or disease sustained by the plan member after his employment has been terminated.
- (5) Intentional, self-inflicted injury.

If a member is not qualified for benefits under this Section, he or she may receive a refund of his or her contributions. In the event of the death of a member, when the death is a direct result of any of the above stipulations, his or her contributions shall be refunded to his or her estate.

Before approving any disability retirement request, the Board may request proof of disability or the verification by one or more competent physicians selected by the Board that the member has become disabled in accordance with the Pension Fund provisions. The Board may further require continued medical examinations of the disabled member from time to time and at its discretion. No member shall be given disability benefits under this Section if the Board finds that said disability can probably be successfully corrected by competent medical treatment, and said member fails or refuses to be so treated.

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The term “disabled” or “disability” in this Section shall mean a medically determinable impairment which in the opinion of the Board prevents such member from meeting the normal and reasonable demands of his or her regularly assigned job or any other job in City government which the City may offer said member for which he or she is reasonably qualified by experience, training, or education.

- (b)(1) If any member with less than ten (10) years of active service dies before retirement from any cause not growing out of and not in consequence of his or her duty in the Fire and Police Department, there shall be paid to their beneficiary the death benefit of \$10,000.00 and to the surviving spouse a benefit equal to Option D, Section 13.82 or the sum of \$300.00 per month until death, whichever is greater, subject to the conditions of Section “(a)” of this Section. If a member dies after retirement under this Section, the \$10,000.00 benefit shall be paid to their beneficiary, and to the surviving spouse that benefit selected by the member under Section 13.82 of this Fund.
- (2) If a member has more than ten (10) years of active service but less than the time required for a Service Retirement Pension and dies before retirement from any cause not growing out of and not in consequence of his or her duty in the Fire and Police Department, there shall be paid to their beneficiary a death benefit of \$10,000.00 and to the surviving spouse the benefit which said spouse would have been entitled to receive under Option D, Section 13.82 of this Fund, subject to the conditions of Section “(a)” of this Section. If a member dies after retirement under this Section, the \$10,000.00 death benefit will be paid to their beneficiary, and to the surviving spouse that benefit selected by the member under Section 13.82 of this Fund.
- (3) If any member dies before retirement and has reached the conditions for a Service Retirement Pension, there shall be paid to said member’s beneficiary a death benefit of \$10,000.00, and if said member was an employee on November 3, 1992, the sum of \$300.00 per month shall be paid to the surviving spouse until death or remarriage if said member has not designated the spouse as a beneficiary under one of the options listed in Section 13.82. If there is no election, the surviving spouse shall receive the benefit paid under Option D, Section 13.82.

If a member who is employed after November 3, 1992, shall die before retirement and has reached the conditions for a Service Retirement Pension, there shall be paid to the beneficiary of said member a death benefit of \$10,000.00 and the benefits elected under Section 13.82.

(c) If there is no surviving spouse or if the surviving spouse becomes disqualified, then the dependent’s minor child or children, shall each receive \$100.00 per month during their minority, provided that the total amount payable to all of such children shall not exceed the

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maximum pension. If such deceased member is not survived by spouse or minor children, but is survived by two parents solely dependent upon said member, each parent, so long as he or she has not other means of support, shall receive one-half (1/2) of the benefits to which a surviving spouse would receive under this Section. If there is only one parent dependent upon such member for support, such parent shall be paid the same benefits which a surviving spouse would receive under this Section.

(Ord. No. 10642, § 1, 11-18-97)

Secs. 16-175 – 16-181. Reserved.

(Ord. No. 10642, § 1, 11-18-97)

Sec. 16-182. Optional retirement benefits.

Notwithstanding the provisions of Chattanooga City Code, Part I, Section 13.82, the following benefits are provided in lieu thereof:

- (1) When a member reaches the conditions for retirement benefits under Chattanooga City Code, Part I, Sections 13.75, 13.76, 13.74, or is eligible to commence receiving retirement benefits under Section 13.79, he or she may elect to have the pension benefits under said Sections converted into an optional retirement benefit which is the actuarial equivalent of such benefit based upon mortality basis approved from time to time by the Board, and the age of the member and of the beneficiary as of the date the member becomes eligible to exercise the election.

The optional retirement benefits may take one of the forms listed below and for members who become employed after November 3, 1992, there shall be paid to the beneficiary or the option selected by such member under this Section; but for a member who was an employee on November 3, 1992, the surviving spouse shall receive the sum of \$300.00 per month for life or until remarriage, if the said member has not designated the spouse as a beneficiary under one of the option forms listed below.

OPTION A: 120 Payments Certain and Life Option

A decreased retirement benefit payable for life with the first 120 payments guaranteed. Any guaranteed payments due after the death of the retired participant shall be payable to the designated beneficiary, if any who survives the retired participant, or the estate of the retired participant if there is no surviving designated beneficiary.

OPTION B: Joint and Survivor Option

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A decreased retirement benefit payable to the retired participant for life shall continue after his or her death to their surviving beneficiary at 100% of that payable to the retired participant.

OPTION C: Modified Joint and Survivor Option

A decreased retirement benefit payable to the retired participant for life which shall continue after his or her death to their surviving beneficiary at 75% of that payable to the retired participant.

OPTION D: Modified Joint and Survivor Option

A decreased retirement benefit payable to the retired participant for life which shall continue after his or her death to their surviving beneficiary at 50% of that payable to the retired participant.

OPTION E: Modification of Option B

A decreased retirement benefit, subject to an actuarial reduction, payable to the retired participant for life shall continue after his or her death to their surviving beneficiary at 100% of that payable to the retired participant provided, that if such designated beneficiary shall predecease the retired participant, the retirement benefit payable to the participant after death of the designated beneficiary, shall be equal to the retirement benefit which would have been payable had the member not elected an option.

OPTION F: Modification of Option C

A decreased retirement benefit, subject to an actuarial reduction, payable to the retired participant for life shall continue after his or her death to their surviving beneficiary at 75% of that payable to the retired participant provided, that if such designated beneficiary shall predecease the retired participant, the retirement benefit payable to the participant after death of the designated beneficiary, shall be equal to the retirement benefit which would have been payable had the member not elected an option.

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OPTION G: Modification of Option D

A decreased retirement benefit, subject to an actuarial reduction, payable to the retired participant for life shall continue after his or her death to their surviving beneficiary at 50% of that payable to the retired participant provided, that if such designated beneficiary shall predecease the retired participant, the retirement benefit payable to the participant after death of the designated beneficiary, shall be equal to the retirement benefit which would have been payable had the member not elected an option.

- (2) Application for any optional retirement benefit shall be in writing, duly executed, and filed with the Board. Such application shall contain all information required by the Board, including such proofs of age as are deemed necessary by the Board. A retirement option selection at the time of eligibility may only be changed by written notice of the new election filed with or prior to his or her application for retirement and subject to such requirement as the Board may require.
- (3) If an active member dies after he or she has reached the aforesaid conditions for retirement benefits, any option they may have elected, in lieu of their otherwise retirement benefit, shall be payable as though he or she had been entitled to have such optional benefit commence on their date of death.

(Ord. No. 10642, § 1, 11-18-97)

Sec. 16-183. Definitions.

Notwithstanding the provisions of Chattanooga City Code, Part I, Section 13.83(4), the following benefits are provided in lieu thereof:

4. The term "Maximum Pension" shall mean a pension equal to sixty percent (60%) of the average base salary of a member of the Chattanooga Police Department who receives the maximum salary in the salary range and step to Sergeant in the police department classification as set forth in the classification of positions in the police department during the three (3) years of the member's service which yield the highest average. In the event of change of the name of said classification of Sergeant in the Police Department, it shall mean that position by whatever name it may hereafter be called.

(Ord. No. 10642, § 1, 11-18-97)

Secs. 16-184 – 16-200. Reserved.